

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Kansas City
FILE NUMBER: 200500173

REGULATORY PROJECT MANAGER: Sarah Reznicek **Date:** 10/28/04

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) **Date:** 10/12/04
 At the project site (Y/N) **Date:**

PROJECT LOCATION INFORMATION:

State: Kansas
 County: Pratt
 Center coordinates of site by latitude & longitudinal coordinates: 37-40-57.7560 N 98-42-22.8960 W
 Approximate size of site/property (including uplands & in acres): 45 acres
 Name of waterway or watershed: South Fork Ninnescah River

SITE CONDITIONS:

| Type of aquatic resource ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear feet | Unknown |
|---------------------------------------|--------|--------|--------|---------|----------|----------|---------|-------------|---------|
| Lake | | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | | | | | | |
| Dry Wash | | | | | | | | | |
| Mudflat | | | | | | | | | |
| Sandflat | | | | | | | | | |
| Wetlands | X | | | | | | | | |
| Slough | | | | | | | | | |
| Prairie pothole | | | | | | | | | |
| Wet meadow | | | | | | | | | |
| Playa lake | | | | | | | | | |
| Vernal pool | | | | | | | | | |
| Natural pond | | | | | | | | | |
| Other water (identify type) | | | | | | | | | |
| _____ | | | | | | | | | |

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors ¹ : | If Known | | If Unknown Use Best Professional Judgment | | |
|---|----------|----|--|-----------------------|--------------------------------|
| | Yes | No | Predicted to Occur | Not Expected to Occur | Not Able To Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties? | | | | | X |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | | | X |
| Is or would be used as habitat for endangered species? | | | | X | |
| Is used to irrigate crops sold in interstate commerce? | | X | | | |

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary . Or **Approved** XX.

ADDITIONAL INFORMATION SUPPORTING NJD:

The 0.3-acre wetland was identified by NRCS. There is no indication of a channel entering or exiting the wetland, and it is not within any known floodplain.